

1-1 By: Ellis S.B. No. 1033  
1-2 (In the Senate - Filed March 7, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 25, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 1; April 25, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1033 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the powers and duties of the Criminal Justice Advisory  
1-11 Council.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 43, Code of Criminal Procedure, is  
1-14 amended by adding Article 43.27 to read as follows:

1-15 Art. 43.27. CRIMINAL JUSTICE ADVISORY COUNCIL

1-16 Sec. 1. DEFINITION. In this article, "council" means the  
1-17 Criminal Justice Advisory Council created by executive order.

1-18 Sec. 2. GOALS. (a) In addition to the duties imposed by  
1-19 executive order, the council may investigate thoroughly:

1-20 (1) all postconviction exonerations, including  
1-21 convictions vacated based on a plea to time served, to:

1-22 (A) ascertain errors and defects in the criminal  
1-23 procedure used to prosecute the defendant's case at issue;

1-24 (B) identify errors and defects in the criminal  
1-25 justice process in this state generally;

1-26 (C) develop solutions and methods to correct the  
1-27 identified errors and defects;

1-28 (D) identify procedures and programs to prevent  
1-29 future wrongful convictions; and

1-30 (E) identify postconviction procedures to  
1-31 provide courts with additional methods to identify wrongful  
1-32 convictions; and

1-33 (2) all colorable allegations that an innocent person  
1-34 has been executed.

1-35 (b) The council may enter into contracts for research  
1-36 services as considered necessary to complete the investigation of a  
1-37 particular case, including forensic testing and autopsies.

1-38 (c) The council may administer oaths and issue subpoenas,  
1-39 signed by the chairperson, to compel the production of documents  
1-40 and the attendance of witnesses as considered necessary to conduct  
1-41 a thorough investigation. A subpoena of the council shall be served  
1-42 by a peace officer in the manner in which district court subpoenas  
1-43 are served. On application of the council, a district court of  
1-44 Travis County shall compel compliance with the subpoena in the same  
1-45 manner as for district court subpoenas.

1-46 SECTION 2. This Act takes effect September 1, 2005.

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